



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,566	04/19/2004	Virinder Mohan Batra	CHA920040004US1	3188
23550 7590 04/02/2008 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER GORTAYO, DANGELINO				
ART UNIT 2168		PAPER NUMBER		
NOTIFICATION DATE 04/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

10/827,566

Applicant(s)

BATRA ET AL.

Examiner

DANGELINO N. GORTAYO

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/8/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 1/8/2008, claims 1, 8, and 16 have been amended.
The currently pending claims considered below are Claims 1-20.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-14, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Farmer (WO 02/39486)

As per claim 1, Farmer teaches “A system for dynamically implementing a chain of Web services from a client on the World Wide Web to execute a workflow for analyzing microarray data,” (see Abstract and paragraph 0008)

“comprising: a database for storing a list of available Web services, wherein each listed Web service includes a description of a task performed by the Web service and an input signature and an output signature of the Web service, wherein the Web service comprises a computer program accessible over the World Wide Web;” (Figure 3, paragraphs 0018, 0022, 0022, 0051, 0057, 0058, 0062, wherein a Service Broker

accepts requests and provides connections to services, and contains service names, types, and attributes in Java class format, including type signatures)

“and a selecting system for forming the chain of Web services by selecting a Web service from the list of available Web services for each of a plurality of tasks in the workflow,” (Figure 11, paragraphs 0040, 0053, 0060, 0061, 0062, 0063, wherein services can be linked together and service attributes and classes are used for interaction)

“wherein the workflow comprises a series of linked tasks and a specified input and output format,” (Figure 3, paragraphs 0040, 0042, 0043, 0045, 0046, 0053, 0062, wherein services interact and identify with each other through java classes, and are encapsulated to interact with each other, including formats defined by type signatures)

“wherein the selecting system dynamically matches the input signature of a first Web service with the specified input of the workflow and the output signature of the first Web service with the input signature of an adjacent Web service and the output signature of a second Web service with the specified output format to ensure that each selected Web service is compatible with the adjacent Web service in the chain of Web services and the specified input and output formats.” (Figure 3, Figure 11, paragraphs 0022, 0057, 0058, 0061, 0062, 0071, 0072, 0073, 0074, 0075, 0076, wherein the workflow of services is dynamically created based on selected data and present components, and a java wrapper class is used to integrate services)

As per claim 2, Farmer teaches “the workflow comprises a microarray analysis workflow.” (Figure 2, paragraphs 0049, 0086)

As per claim 3, Farmer teaches "a workflow generator for creating the workflow."
(paragraphs 0049, 0050)

As per claim 4, Farmer teaches "the list of available Web services resides locally with the client." (paragraphs 0039, 0044)

As per claim 5, Farmer teaches "a system for collecting and storing available Web services data." (paragraphs 0018, 0022)

As per claim 6, Farmer teaches "a system for inputting sequence data into the workflow execution." (paragraph 0067)

As per claim 8, Farmer teaches "A program product, stored on a recordable medium for executing a workflow by dynamically implementing Web services from a client on the World Wide Web for analyzing microarray data," (see Abstract and paragraph 0008)

"comprising: means for storing a list of available Web services, wherein each listed Web service includes a description of a task performed by the Web service, and an input signature and an output signature of the Web service;" (Figure 3, paragraphs 0018, 0022, 0022, 0051, 0057, 0058, 0062, wherein a Service Broker accepts requests and provides connections to services, and contains service names, types, and attributes in Java class format, including type signatures)

"and means for forming a chain of Web services by selecting a Web service from the list of available Web services for each of a plurality of tasks in the workflow," (Figure

11, paragraphs 0040, 0053, 0060, 0061, 0062, 0063, wherein services can be linked together and service attributes and classes are used for interaction)

“wherein the workflow comprises a series of linked tasks and a specified input and output format,” (Figure 3, paragraphs 0040, 0042, 0043, 0045, 0046, 0053, 0062, wherein services interact and identify with each other through java classes, and are encapsulated to interact with each other, including formats defined by type signatures)

“wherein the forming means dynamically matches the input signature of a first Web service with the specified input format and the output signature of the first Web service with the input signature of an adjacent Web service and the output signature of a second Web service with the specified output format to ensure that each selected Web service is compatible with the adjacent Web service in the chain of Web services and the specified input and output formats.” (Figure 3, Figure 11, paragraphs 0022, 0057, 0058, 0061, 0062, 0071, 0072, 0073, 0074, 0075, 0076, wherein the workflow of services is dynamically created based on selected data and present components, and a java wrapper class is used to integrate services)

As per claim 9, Farmer teaches “the workflow comprises a microarray analysis workflow.” (Figure 2, paragraphs 0049, 0086)

As per claim 10, Farmer teaches “the workflow comprises a bioinformatics workflow.” (paragraphs 0008)

As per claim 11, Farmer teaches “means for creating the workflow.” (paragraphs 0049, 0050)

As per claim 12, Farmer teaches “the storage means resides locally with the client.” (paragraphs 0039, 0044)

As per claim 13, Farmer teaches “means for collecting and storing available Web services data in said storage means.” (paragraphs 0018, 0022)

As per claim 14, Farmer teaches “a system for inputting sequence data into the workflow execution.” (paragraph 0067)

As per claim 16, Farmer teaches “A method for executing a bioinformatics workflow from a client on the World Wide Web,” (see Abstract and paragraph 0008)

“comprising: providing a workflow having a plurality of linked tasks and a specified input and output format;” (Figure 3, paragraphs 0040, 0042, 0043, 0045, 0046, 0053, 0062, wherein services interact and identify with each other through java classes, and are encapsulated to interact with each other, including formats defined by type signatures)

“providing a list of known bioinformatics Web services, wherein each listed Web service includes a description of a task performed by the Web service, and an input signature and an output signature of the Web service, further wherein the Web service comprises a computer program accessible over the World Wide Web;” (Figure 3, paragraphs 0018, 0022, 0022, 0051, 0057, 0058, 0062, wherein a Service Broker accepts requests and provides connections to services, and contains service names, types, and attributes in Java class format, including type signatures)

"selecting a Web service from the list of known bioinformatics Web services for each task in the bioinformatics workflow to form a chain of Web services, wherein the selecting step dynamically matches the input signature of a first Web service with the specified input of the workflow and the output signature of the first Web service with the input signature of an adjacent Web service and the output signature of a second Web service with the specified output format to ensure that each selected Web service is compatible with the adjacent Web service in the chain of Web services and that the input and output signatures are compatible with the specified input and output" (Figure 3, Figure 11, paragraphs 0022, 0057, 0058, 0061, 0062, 0071, 0072, 0073, 0074, 0075, 0076, wherein the workflow of services is dynamically created based on selected data and present components, and a java wrapper class is used to integrate services)

"and calling each selected Web service in the chain to execute the bioinformatics workflow." (Figure 11, paragraphs 0040, 0053, 0060, 0061, 0062, 0063, wherein services can be linked together and service attributes and classes are used for interaction)

As per claim 17, Farmer teaches "the bioinformatics workflow comprises a microarray analysis." (Figure 2, paragraphs 0049, 0086)

As per claim 18, Farmer teaches "the list of known bioinformatics Web services resides locally to the client.")(paragraphs 0039, 0044)

As per claim 20, Farmer teaches "the step of calling each selected Web service includes the step of providing a set bioinformatics data to a first Web service in the chain in the specified input format." (paragraph 0067)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 15, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer (WO 02/39486) in view of Yung et al. (US Patent 6,909,974 B2)

As per claim 7, Farmer is disclosed as per claim 1 above. Farmer does not teach "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data."

Yung teaches "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data." (Figure 10, 12A, 12B, 13, column 12 line 20 – column 13 line 2, column 19 line 60 – column 20 line 12, wherein XML format is used to wrap information and provide communication between heterogeneous services in a bioinformatics system, particularly XML input and output files).

It would have been obvious to one of ordinary skill in the art to combine Farmer's method of allowing interoperation of heterogeneous bioinformatics software services

with Yung's ability to utilize XML formatted files in communicating between different services linked in a workflow. This gives the user the ability to use XML when inputting and outputting bioinformatics data in a workflow to provide the user of a bioinformatics system a commonly used communication format, XML, and allows the user to define the tags that identify attributes. The motivation for doing so would be to provide a centralized biological information flow management system that requires less human involvement and the possibility of error than previous systems (column 1 lines 44-63)

As per claim 15, Farmer is disclosed as per claim 1 above. Farmer does not teach "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data."

Yung teaches "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data." (Figure 10, 12A, 12B, 13, column 12 line 20 – column 13 line 2, column 19 line 60 – column 20 line 12, wherein XML format is used to wrap information and provide communication between heterogeneous services in a bioinformatics system, particularly XML input and output files).

It would have been obvious to one of ordinary skill in the art to combine Farmer's method of allowing interoperation of heterogeneous bioinformatics software services with Yung's ability to utilize XML formatted files in communicating between different services linked in a workflow. This gives the user the ability to use XML when inputting

and outputting bioinformatics data in a workflow to provide the user of a bioinformatics system a commonly used communication format, XML, and allows the user to define the tags that identify attributes. The motivation for doing so would be to provide a centralized biological information flow management system that requires less human involvement and the possibility of error than previous systems (column 1 lines 44-63)

As per claim 19, Farmer is disclosed as per claim 1 above. Farmer does not teach "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data."

Yung teaches "the input signature comprises a FASTA XML format for a set of input sequences and the output signature comprises an XML file format for providing spatial microarray placement data." (Figure 10, 12A, 12B, 13, column 12 line 20 – column 13 line 2, column 19 line 60 – column 20 line 12, wherein XML format is used to wrap information and provide communication between heterogeneous services in a bioinformatics system, particularly XML input and output files).

It would have been obvious to one of ordinary skill in the art to combine Farmer's method of allowing interoperation of heterogeneous bioinformatics software services with Yung's ability to utilize XML formatted files in communicating between different services linked in a workflow. This gives the user the ability to use XML when inputting and outputting bioinformatics data in a workflow to provide the user of a bioinformatics system a commonly used communication format, XML, and allows the user to define the

tags that identify attributes. The motivation for doing so would be to provide a centralized biological information flow management system that requires less human involvement and the possibility of error than previous systems (column 1 lines 44-63).

Response to Arguments

6. Applicant's arguments, see page 8, filed 1/8/2008, with respect to the rejection of claims 1-20 under 35 USC 102(e) have been fully considered but they are not persuasive. Details are stated below.

a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's argument is stated as Farmer does not teach a selecting system that dynamically matches the input signature of a first Web service with the specified input of the workflow and the output signature of the first Web service with the input signature of an adjacent Web service and the output

signature of a second Web service with the specified output format to ensure that each selected Web service is compatible with the adjacent Web services in the chain of Web services and the specified input and output formats

In regards to the argument, examiner respectfully disagrees. The prior art of Farmer, as disclosed by the paragraph 9, teaches a system to integrate various heterogeneous software tools and databases for interoperation with a minimum set of standards. This is accomplished by the execution of a chain of Web services involving wrapping the messages passed within the system in a simple Java class for communication (paragraph 0071). The interface to communicate between users and the various services and databases is based on java, and is shown as an example in Figure 3. As disclosed by Farmer in paragraph 0071 and 0072, java classes are defined in the interface for different web services. As is commonly known in the art, a type signature in java defines the inputs and outputs for methods and classes. It is the type signatures that not only is interpreted as the signatures of the instant application, but also as the input and output formats, based on the type signatures of a java class in the invention of Farmer. For example, Figure 3 of Farmer teaches that the classes can have inputs defined by values within the brackets of the heading, and then outputs values to the web service next in the chain. A more specific example would be the first class in Figure 3, an IsysSequence, which takes as input various strings defined in the interface and outputs DNA sequences to be used in conjunction with different data services. The classes in Farmer can then take

specific inputs and output specific values to specified web services as defined by the user who created the workflow of services. Figure 11 and paragraph 0073 of Farmer teaches the mapping of the data model as it integrates various data objects received from different Web Services, resolved through the java interface of the invention. For example, there is shown that data from a Metabolic Pathways service is linked to data from a Gene Expression service. As shown in Figures 2, 4, 5, 6, and disclosed in paragraphs 0060, 0061, 0066, 0067, 0068, the user interacts with an interface that automatically answers a query made from a chain of web services to find the answer to queries. Through the use of relationships and mappings between different web services, including the input and output formats of the web services, a client is able to execute a workflow comprised of different web services. Therefore, Farmer teaches all the limitations of independent claims 1, 8, and 14.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2168

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art
Unit 2168

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE

Art Unit: 2168

/D. M. L./

Primary Examiner, Art Unit 2168